



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|--------------------------------|---------------------|------------------|
| 10/070,994 | 03/14/2002 | Petrus Johannes Van Geijlswijk | Q68639 | 6466 |
| 23373 | 7590 | 12/23/2004 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | MAYES, MELVIN C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1734 | |

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,994

Applicant(s)VAN GEIJLSWIJK, PETRUS
JOHANNES**Examiner**

Melvin Curtis Mayes

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 8 is/are allowed.
- 6) ☒ Claim(s) 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

(1)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(2)

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiatt 5,284,688 in view of Vinal 3,039,516.

Hiatt discloses a method of applying a label comprising: providing a roll of carrier web (support belt) carrying labels of lacquer face film and pressure sensitive adhesive overlying the face film; peeling the face film off the carrier web; and pressing the label onto an object, the pressure sensitive adhesive holding the label in place as the lacquer is activated by heat (col. 11, lines 28-66). Hiatt does not disclose peeling the face film from the carrier at an edge or strip having an acute angle.

Vinal teaches that in a simple and automatic labeling machine for dispensing and applying labels from a backing strip, the object to be labeled is conveyed and the backing strip is pulled back over a means for sharply changing the direction of the backing strip at a point adjacent to the object, and after the label is released from the backing, a roll or other suitable means is provided for pressing the label to the object. The backing strip is directed to a reversing edge 44. As shown, a reversing edge 44 has an acute angle over which the backing strip is pulled for releasing the label (col. 1, lines 57-63, col. 4, lines 21-27, Fig. 3).

It would have been obvious to one of ordinary skill in the art to have modified the method of Hiatt for applying a label to an object by applying the label using an automatic labeling machine having a reversing edge with acute angle to peel the face film from the carrier web before using a roll to press the label onto the object, as taught by Vinal, as a simple and automatic machine for dispensing and applying labels from a backing strip to conveyed objects. The use a reversing edge having an acute angle, upstream of the means for pressing the label onto the object (application head), to change the direction of the carrier web prior to pressing the label on the object would have been obvious to one of ordinary skill in the art, as taught by Vinal, to peel the label from the carrier web (mechanically reduce the adhesion by the label coming free of the carrier) for subsequent pressing of the label onto the object.

Allowable Subject Matter

(3)

Claims 1-6 and 8 are allowed.

(4)

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, such as Brandt et al., discloses feeding a support belt bearing labels having front side provided with adhesive towards an application head and urging the support belt towards the object by the application head to apply a label. The prior art of record does not disclose or suggest, urging the support belt over an edge or strip upstream of the application head to deflect the support belt, the edge or strip having a relatively acute angle and the support belt urged over the pressure line at the acute angle to mechanically reduce the adhesion between the

Art Unit: 1734

support belt and label before feeding both the support belt and label to the application head. As set forth by the specification and Applicant's arguments filed January 30, 2004, mechanically reducing the adhesion between the support belt and label is set forth as that part of the label which has moved over the edge coming free from the support belt.

Conclusion

(5)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1734

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
December 21, 2004